



REMARKS

Claims 1-11, 13-22, 24-27, and 29-42 stand pending in the present application.

Claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41 stand rejected as allegedly anticipated by
5 Meyers (US No. 6,463,674) under 35 USC Section 102(e).

Applicant respectfully traverses the rejection of claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41.

The Meyers reference falls woefully short as anticipatory of claims 1-2, 5, 8-11, 13-17, 19-22, 24-
10 27, and 29-4.

The requirements of 35 USC Section 102 do not permit inference or resort to suggestion as basis for
anticipation. 35 USC Section 102 requires that the cited reference show without conjecture each
and every feature of the claimed subject matter.

15 In the Examiner's office action, for example, the Examiner states:

a bifurcated carriage naturally *suggested* in view of column 1, lines 30-36, columns
6, lines 37-34

20 ...

limitations naturally *suggested* (emphasis added)

In piecing together a basis for anticipation under 35 USC Section 102, the Examiner at critical
points fills in gaps in the disclosure of Meyers by resort to arguments of suggestion "naturally"
25 present in the disclosure. Thus, the Examiner's arguments at various key points improperly resorts
to suggestion as a basis for anticipation.

Suggestion is not allowed under the objective standards of anticipation under 35 USC Section 102.

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If the Examiner wishes to present an obviousness rejection under 35 USC Section 103, then such rejection must meet the standards of 35 USC Section 103 and applicant is entitled to deal with any such cited references according to the standards of 35 USC Section 103, e.g., proper motivation for a proposed combination of references, combinability of references and the like.

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Applicant respectfully submits the Examiner's position to be conspicuously contrary to specific statutory requirements. The Examiner cannot present under 35 USC Section 102 subjective standards similar to that of obviousness standards.

10 Under 35 USC Section 102, the objective standard of anticipation requires that the cited reference actually teach, not merely suggest, the claimed subject matter.

As stated in the MPEP at Section 706.02:

15 ...for anticipation under 35 USC Section 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. *Any feature not directly taught must be inherently present.* (emphasis added)

20 Thus, where 35 USC Section 102 allows basis for anticipation outside the literal disclosure of the cited reference, such must be inherently present. Conjecture and suggestion is simply not allowed under 35 USC Section 102. Only that specifically taught or that which "must be inherently present" can be cited as anticipatory under 35 USC Section 102.

25 In the present case, and as discussed more fully below, features claimed and not found in the cited Meyers reference are not necessarily present in the Meyers disclosure, i.e., are not "inherently present", as required under 35 USC Section 102.

35 USC Section 102 only allows extension of the literal disclosure for those features that *must be inherently present*. In the present case, the alleged anticipatory device cited by the Examiner as

shown in the Meyers disclosure need not be present and therefore cannot provide a basis for anticipation under 35 USC Section 102. Many design variations are possible to implement the system described by Meyer and the particular limitations of claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41 need not be present, i.e., are not inherently present in the system shown by Meyers.

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The disclosure of Meyers simply falls short of properly anticipating the subject matter of claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41.

10 The Meyers reference shows a stationary air blower drying system. Meyers does not integrate the device into a printer carriage as a scanning heater nor does Meyers show use of a combined bifurcated print element carriage and bifurcated heating element.

15 With respect to claim 1 and its dependents 2, 5, and 8-13, at no point does Meyers show a “a bi-furcated carriage which scans an inkjet printhead across the printzone” nor does Meyers show “a bi-furcated heating element supported by the carriage”

20 With respect to claim 14 and its dependents 15-17 and 19-21, at no point does Meyers show “a first carriage located on a first side of said printzone, said first carriage supporting an inkjet printhead and a first heater element portion” nor does Meyers show “a second carriage located on a second side of said printzone, said second carriage holding a second heater element portion, said first and second heater element portions forming a heater element and being maintained in face-to-face opposition across said printzone...”

25 With respect to claim 22 and its dependents 24-25, at no point does Meyers show “projecting from said first carriage ink droplets as said print imaging; projecting from a first heater element on said first carriage radiant energy applied as heat energy to said media; and synchronously scanning a second carriage relative to said first carriage, said second carriage holding a second heater element cooperative with said first heater element.”

With respect to claim 27 and its dependents 29 and 30, at no point does Meyers show “reciprocating a first carriage across said printzone; projecting from said first carriage ink droplets as said print imaging; projecting from a first heater element on said first carriage radiant energy applied as heat energy to said media; and synchronously scanning a second carriage relative to said first mentioned carriage”

With respect to claim 31 and its dependents 32-37, at no point does Meyers show “heat zone being generated by cooperative first and second heating elements moving synchronously and relative to said print media and cooperative to produce said heat zone, said first and second heating elements being maintained in face-to-face relation with said print media interposed therebetween.”

With respect to claim 38 and its dependents 39-41, at no point does Meyers show “printing means for applying print imaging to media in said printzone and supported by said carriage means; and means for applying heat energy to said media and supported by said carriage means, said means for applying heat energy being bifurcated and including cooperative first and second heater elements, said first heater element being positioned at a first side of said media and said second heater element being maintained in face-to-face opposition therewith at a second side of said media”

A rejection of claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41 as anticipated by Meyers must show the limitations of claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41. Meyers does not and cannot support a 35 USC Section 102 rejection of claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41.

Whether or not such limitations are “naturally suggested” or whether such limitations individually may be found in other references by Meyers is irrelevant to anticipation under 35 USC Section 102.

Accordingly, the rejection of claims 1-2, 5, 8-11, 13-17, 19-22, 24-27, and 29-41 as anticipated by Meyers must be withdrawn.

The Examiner goes on to rely on Meyers as a base reference in rejecting claims 3-4, 18, and 21 (in combination with Carreira); claims 6-7 (in combination with Woo); and claim 42 (in combination with Ort)

With Meyers falling well short of showing the base limitations, applicant respectfully submits that adding the disclosure of Carreira, Woo, or Ort fails also in supporting a rejection under 35 USC Section 103. The Examiner must find one or more references showing in combination all the limitations of the rejected claims. Because Meyers fails to show the base limitations, even if the Carreira, Woo, and Ort references were combinable with Meyers, the resulting combination lacks the limitations of the rejected claims.

Accordingly, the rejection of claims 3-4, 18 and 21 as obvious in light of Meyers and Carreria must be withdrawn, the rejection of claims 6-7 as obvious in light of Meyers and Woo must be withdrawn, and the rejection of claim 42 as obvious in light of Meyers and Ort must be withdrawn.

In light of the above remarks, reconsideration and withdrawal of the outstanding final rejection is respectfully requested.

Respectfully submitted

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the US Postal Service as First Class Mail, in an envelope addressed to: MS AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450, on the date indicated below.

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